

Planning & Zoning Commission Meeting
Meeting Minutes of June 3, 2009
1st Floor North Conference Room - City Hall

Present: Chairman Steven Sizemore, Presiding; Cindy Weeks, Vice-Chair; Thomas Byers; and Darryl Hart

Absent: Nathaniel Cannady, Jerome Jones and Mark Sexton

Pre-Meeting – 4:30 p.m.

The Commissioners were given an update on the activity of the Technical Review Committee, the upcoming Unified Development Ordinance amendments related to current economic conditions, actions being planned for implementation of the Downtown Master Plan, and other items on the current agenda.

Regular Meeting - 5:00 p.m.

Chairman Sizemore called the meeting to order at 5:00 p.m. and informed the audience of the public hearing process.

Administrative

- ? Ms. Weeks moved to approve the minutes of the mid-month May 21, 2009, meeting. This motion was seconded by Mr. Byers and carried unanimously by a 4-0 vote.
- ? At Director of Transportation and Engineering Cathy Ball's request, Mr. Byers moved to continue the amendments to Chapter 7 of the Code of Ordinances regarding changes to the stormwater ordinance until the July 23, 2009, mid-month meeting. This motion was seconded by Mr. Hart and carried unanimously on a 4-0 vote.

Agenda Items

- (1) Request to rezone property located at 128 Bingham Road from Industrial District to Commercial Industrial District. The property owner is ASC Business Park, LLC, and the agents are Carroll Hughes and Donna Logan. The property is identified as PIN 9639.34.7747.**

Urban Planner Blake Esselstyn oriented the Commission members to the site location and said that this is the consideration of an ordinance to rezone 128 Bingham Road from Industrial District to Commercial Industrial District.

He said this 23-acre site, though still referred to by many as the Square D Plant, has undergone a noteworthy change since the departure of that manufacturer. The property is now named the Blue Ridge Business Center, and while a manufacturing operation (Aprotech Powertrain, a maker of engine parts) continues to occupy a large portion of the building, there is increasing interest by non-industrial uses in areas of the facility. The area's current zoning classification, Industrial, does not lend itself easily to this mix of uses, and thus the owner is requesting a rezoning to Commercial Industrial.

According to the Unified Development Ordinance's Article 8, the purpose of the Industrial District is to "reserve land for existing and future industrial activities and for land uses that support industrial activities. Development standards are established to ensure that land uses located outside the Industrial District are not adversely affected by the negative impacts of industrial uses. Industrial Districts shall be located to capitalize on existing infrastructure where possible, such as transportation facilities and utilities. Supporting land uses are characterized as providing supplies,

raw materials, transportation, or storage services to industries or providing services to industrial employees.”

The stated purpose of the Commercial Industrial district (also known as CI) is “to provide areas for a wide range of commercial and industrial uses including: light manufacturing, wholesale, warehousing, services, retail sales, offices, and residential uses. The district is established where environmental conditions and urban infrastructure are adequate to support commercial and industrial development.” Further, “Assembly, packaging, processing, production and manufacturing” uses are permitted in CI, as in Industrial; the only industrial uses permitted in the Industrial district but not in CI are recycling plants and certain other types of recycling facilities. In addition, the CI District does have an open space requirement, whereas the Industrial District does not.

The site constitutes the majority of a block encircled by three roads: Bingham Road, Adams Hill Road, and Pearson Bridge Road, though there is no entrance to the property from Pearson Bridge Road. (The other property on the block is Emma United Methodist Church.) The building contains almost 300,000 square feet of floor area, and the site provides almost 7 acres of vehicular use area. The site is situated just inside City Limits, and has been in the City’s jurisdiction since 1981.

The applicant’s request for Commercial Industrial zoning stems from a desire to be able to attract a wider range of possible tenants. The Industrial zoning district allows relatively few commercial uses, and does not include general retail sales, general office uses, medical clinics, or residential occupation by non-employees in the list of permitted uses. In recent years, the City has permitted some office uses on the site with the requirement that they remain subordinate to the principal manufacturing use of the property. However, the Business Center has attracted two employers providing new jobs in the area (a VA call center and a Census Bureau office), and would like to be able to expand the floor area available for such uses as well as for potential future retail options.

In May of 2008, a Level II site plan review was undertaken for this site, for the renovation of 52,449 square feet of the facility into offices subordinate to the primary manufacturing use, and an additional 451 square feet of new floor area. The improvements related to the original project are still in progress. It was noted at the time that for a larger scale conversion of the building for other uses, a rezoning would have to be pursued. A conditional zoning was discussed, but the applicant would prefer to have the adaptability of not being committed to a specific plan for future modification.

As is noted in the sections above, the Comprehensive Plan includes a policy stating that Industrially zoned land should be preserved for industrial uses. This is further emphasized in the Sustainable Economic Development Strategic Plan that identifies a shortage of industrial zoned properties as one of its top priority issues to be addressed in our area. However, there are recent precedents, most notably the BASF plant rezoning in January of this year, for City Council approval of similar zoning changes. Two 30+ acre areas were recently rezoned from Industrial to Residential zoning districts.

After recent rezonings of industrially-zoned land were approved despite the City’s adopted policy, City Council felt that stakeholders should be consulted about their perspective on the policy given changing views about the future of this region’s economy. Director of the Office of Economic Development Sam Powers attended these discussions, and, applying the findings to the similar BASF rezoning, stated that “OED staff feels a case can be made for recommending approval.” Mr. Powers has also attended discussions related to this rezoning petition and expressed the same position.

One further characteristic of this site which renders it less suitable to be fully occupied by a modern large-scale manufacturing operation is that it is served by relatively small roads and

does not have convenient access to any nearby interstate for large trucks. The owner's inability to offer such a feature to a potential industrial tenant compounds their need to be able to recruit non-industrial tenants less dependent on large truck traffic.

As of this writing, staff has received no communications from the public regarding this rezoning.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable.

Pros:

- ? Proposed zoning district is compatible with the surrounding area.
- ? Rezoning could encourage development and further job growth.
- ? Site's road access makes it less than ideally suited for modern large Industrial tenants.

Con:

- ? The Comprehensive Plan, as well as the Sustainable Economic Development Strategic Plan, includes a stated policy to preserve Industrially zoned land for industrial uses.

Staff has concerns about rezoning Industrially-zoned land, due to the policies against such action stated in the Comprehensive Plan and other plans. Both the Planning and Zoning Commission and City Council have, however, supported similar rezoning in the recent past, and since 2006 stakeholders have not expressed significant concern about the rezoning of such land to Commercial Industrial. If the City Council wishes to consider this rezoning independent of the existing policies, staff feels a good case can be made for recommending approval.

Chairman Sizemore opened the public hearing at 5:07 p.m.

Mr. Carroll Hughes, architect with Spaceplan Architects and project manager for the project, felt changing the complexion, the use and the visual characteristics of the industrial building will make it a much better neighbor. It will also recycle the building instead of demolishing it. He said that over the last two years they have about 80-85,000 square feet of new office-type spaces out of a 317,000 square foot building. He thought they were about 60% or better leased out. They will be trying to get more government agencies in the building especially since they sign long-term leases and that protects the investment and makes it easier for the investor and lenders to support this kind of effort. He urged the Commission to support the rezoning.

Ms. Marni Graves, design architect with Spaceplan Architects, showed a before and after photo of the VA call center, noting the improvement of the building. She said the owner will be limited to converting the entire site into offices due to parking requirements. She felt owner is pursuing more light manufacturing industrial uses to avoid building a parking deck.

Ms. Donna Logan, representative of the owner of the property, was pleased to see the building being brought back to life.

Chairman Sizemore closed the public hearing at 5:15 p.m.

Ms. Weeks questioned the straight rezoning of Industrial Districts vs. expanding the Industrial District uses because in the future it might harder to get that industrial zoning back. Mr. Esselstyn acknowledged her concern about preserving industrially zoned land for a situation in the future explaining that is part of the reason why staff could not support amending the Industrial District and why they prefer to review projects on a case by case basis. He also noted that the CI District will allow every industrial use (except certain recycling process facilities) that is allowed in the Industrial District.

Assistant Planning & Development Director Shannon Tuch said that staff may bring a small amendment to the Commission in the future that will allow a certain percentage of office use (that would support the industrial facility) in the Industrial District.

In response to Mr. Byers, Ms. Tuch said that the Industrial District preserves the industrial land and doesn't allow it to be used for other purposes. She also noted that there is a different review process for a project in the Industrial District vs. a CI District.

Mr. Byers wondered about the amount of traffic that would be generated if the project were fully built out vs. the buildings earlier use as a manufacturing plant. Ms. Tuch said that staff does not have those numbers, but this does go through a technical review where our Traffic Engineer evaluates whether or not a Traffic Impact Analysis (TIA) needs to be done. In this case, based on the uses described, it was determined that the TIA it wasn't necessary.

Chairman Sizemore felt this rezoning will preserve the open space and will provide for an increase in the flexibility of a tenancy standpoint, which can only generate more business and income to benefit everyone.

Based on the above findings and the analysis provided in the report, Ms. Week moved to recommend approval of the rezoning of property located at 128 Bingham Road from Industrial District to Commercial Industrial District. This motion was seconded by Mr. Byers and carried unanimously by a 4-0 vote.

(2) Ordinance amending Chapter 7 of the Code of Ordinances for the purpose of correcting errors, codifying practices and procedures, and clarifying the ordinance.

Urban Planner Julia Cogburn said that this is the consideration of amendments to the Unified Development Ordinance (UDO) (Chapter 7) for the purpose of correcting errors, codifying practices and procedures, and clarifying the ordinance.

Working with the UDO on a daily basis, the Planning and Development staff has noted a number of instances where the ordinance contains errors, is incomplete, or needs clarification. Staff compiles these issues as they are noted and regularly proposes amendments to correct these situations and to make the UDO a clearer document for staff and public use without altering the intent of the standard.

She then explained in detail the following set of proposed amendments that addresses ten of those discovered issues:

- a. This amendment is a correction of a reference (from "chapter" to "article").
- b. & j. These amendments add clarifying language concerning the ability of City Council to modify requirements as part of the conditional use approval process and that these are not seen as use variances.
- c. & d. These amendments bring the ordinance in line with recently adopted Board of Adjustment procedures extending the time for appeal from a decision from administrative staff from 30 days to 60 days. The new wording refers individual to the rules and procedures to avoid similar problems in the future.
- e. This amendment deletes a reference to a buffer standard ('C') that no longer exists in the ordinance.

- f. This amendment deletes incorrect procedures for granting alternative compliance for landscaping from the Neighborhood Commercial District standards.
- g. This amendment codifies an interpretation/practice that temporary uses need not be on a parcel on which there is another use or structure. The current wording implies that the use must be accessory to a principal use or structure.
- h. This amendment clarifies the interpretation that a home occupation must be run by an occupant of the dwelling. The current wording lacks clarity.
- i. This amendment corrects a listing error in the conditional use section of the ordinance. Group homes are not showing in the initial listing of conditional uses but are conditional uses in three districts.

Regarding the City Council Strategic Operating Plan, this ordinance supports the Council goal of completing UDO amendments to improve clarity and address community goals.

Pros:

- ? Codifies interpretations, procedures and practices.
- ? Corrects incomplete or improper listings and citations.
- ? Adds or amends language for greater clarity.

Con:

- ? None Noted.

The Planning and Development Department staff recommends approval of these wording amendments.

Chairman Sizemore opened the public hearing at 5:28 p.m. and when no one spoke, he closed it at 5:28 p.m.

Based on the above findings and the analysis provided in the report, Mr. Byers moved to recommend approval of the amendments to Chapter 7 of the Code of Ordinances regarding housekeeping items. This motion was seconded by Mr. Hart and carried unanimously by a 4-0 vote.

Other Business

Ms. Sherry Ingram, geologist, used a poster to illustrate her comments regarding the distribution of water in the hydrologic cycle. She said that much of the world is facing unprecedented drought which she believes is caused by the unknowingly contribution of rapidly draining the land. Our roads, parking lots and buildings prevent the infiltration of rain and our drainage pipes move it rapidly out of the areas in which it falls. This breaks the hydrologic cycle – less water is available to evaporate from surfaces and soils, and humidities fail to rise enough to condense and fall again as rain. We also pump water from the aquifers below and send it away, lowering the water table, which increasingly drops to below the point that the roots of plants can reach it and use it in the process of photosynthesis. She said we should begin to make use of systems designed for infiltration. For essentially no money, the widespread use of very small scale earthworks slows down the movement of water to give it a chance to sink down into the soils. We can also encourage the planting of trees. She felt for all new developments developers should have to show where they are going to get the water for the sites developed before they receive a permit. She said that she has talked with the City's Sustainability Advisory Committee on Energy and the Environment and offered to make similar presentations to other groups.

Chairman Sizemore announced the mid-month meeting of the Planning & Zoning Commission on June 18, 2009, at 4:00 p.m. in the First Floor Conference Room in the City Hall Building. There was a very brief discussion about cancelling the July 1, 2009, regular meeting.

Adjournment

At 5:42 p.m., Mr. Byers moved to adjourn the meeting. This motion was seconded by Mr. Hart and carried unanimously by 4-0 vote.